

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRAINTECH, INC., a Nevada corporation,

Plaintiff/Counter-Defendant,

v.

Case No. 09-10454

ADIL SHAFI, an individual,

Hon. Victoria A. Roberts

Defendant/Counter-Plaintiff/  
Third-Party Plaintiff,

v.

FREDERICK WEIDINGER, an individual,

Third-Party Defendant.

\_\_\_\_\_ /

**DEFENDANT ADIL SHAFI'S EX PARTE MOTION FOR LEAVE TO FILE  
BRIEF IN RESPONSE TO JOINT MOTION FOR SUMMARY JUDGMENT  
IN EXCESS OF TWENTY PAGES**

Defendant Adil Shafi ("Shafi"), by and through his attorneys, Berry Moorman P.C., moves, pursuant to Local Rule 7.1(c)(3)(A), for leave to file a brief in excess of twenty pages in response to Braintech Inc. and Frederick Weidinger's Joint Motion for Summary Judgment, and states as follows:

1. Pursuant to the Court's December 8, 2010 email to the parties, Defendant Adil Shafi will be filing a brief in response to Braintech Inc. and Frederick Weidinger's Joint Motion for Summary Judgment by December 23, 2010.

2. Braintech Inc. and Frederick Weidinger's Joint Motion for Summary Judgment and Brief in Support is 40 pages long and includes 38 exhibits. (See Docket 66).

3. The 20-page limit for briefs set by Local Rule 7.1(c)(3)(A) does not provide sufficient space within which Shafi can adequately address the relevant record and law applicable to the issues in this case.

WHEREFORE, Defendant Shafi respectfully requests that this Court grant this motion and permit him to file a response exceeding the limit of 20 pages.

Respectfully submitted,

BERRY MOORMAN P.C.

By: s/James P. Murphy  
James P. Murphy (P36728)  
Attorneys for Defendant  
535 Griswold, Suite 1900  
Detroit, Michigan 48226  
(313) 496-1200  
murph@berrymoorman.com

Dated: December 22, 2010

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRAINTech, INC., a Nevada corporation,

Plaintiff/Counter-Defendant,

v.

Case No. 09-10454

ADIL SHAFI, an individual,

Hon. Victoria A. Roberts

Defendant/Counter-Plaintiff/  
Third-Party Plaintiff,

v.

FREDERICK WEIDINGER, an individual,

Third-Party Defendant.

\_\_\_\_\_ /

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT ADIL SHAFI'S EX PARTE  
MOTION FOR LEAVE TO FILE BRIEF IN RESPONSE TO JOINT MOTION FOR  
SUMMARY JUDGMENT IN EXCESS OF TWENTY PAGES**

## TABLE OF CONTENTS

STATEMENT OF THE ISSUES PRESENTED.....	ii
INDEX OF AUTHORITIES.....	iii
ARGUMENT.....	1
CONCLUSION.....	1

## **STATEMENT OF THE ISSUES PRESENTED**

- I. WHETHER DEFENDANT SHAFI SHOULD BE PERMITTED TO FILE A BRIEF IN RESPONSE TO BRAINTECH INC. AND FREDERICK WEIDINGER'S JOINT MOTION FOR SUMMARY JUDGMENT IN EXCESS OF TWENTY PAGES.

## INDEX OF AUTHORITIES

<u>Rules</u>	<u>Page</u>
Local Rule 7.1(c)(3)(A) .....	1

## **I. ARGUMENT**

In his response to Braintech Inc. and Frederick Weidinger's Joint Motion for Summary Judgment, Shafi will be responding to the joint motion to dismiss Shafi's claims for breach of the employment contract, fraud and fraud in the inducement, securities fraud, violation of the Michigan Uniform Securities Act, conversion and unjust enrichment. As this Court knows, the joint motion itself, exceeds 40 pages.

There are thousands of pages of deposition transcripts, thousands of pages of e-mail, a very long and complicated Share Purchase Agreement, hundreds of pages of publicly filed financial statements and records by Braintech, and business records of Braintech and Shafi Inc., all of which bear on issues raised in the joint motion to dismiss

Given the magnitude of the claims at issue, and the complexity of the legal issues raised by the joint motion, the 20-page limit provided by the Local Rules does not provide enough space for a full analysis and presentation of the legal and factual issues pertinent to resolution of the Joint Motion for Summary Judgment. E.D. Mich LR 7.1(c)(3)(A) provides that "a party seeking to file a longer brief [than 20 pages] may apply *ex parte* to the Court in writing setting forth the reasons."

## **II. CONCLUSION**

WHEREFORE, Defendant Shafi respectfully requests that this Court grant his Ex Parte Motion For Leave To File Brief In Response To Joint Motion For Summary Judgment In Excess of Twenty Page limit.



Respectfully submitted,

BERRY MOORMAN P.C.

By: s/James P. Murphy  
James P. Murphy (P36728)  
Attorneys for Defendant  
535 Griswold, Suite 1900  
Detroit, Michigan 48226  
(313) 496-1200  
murph@berrymoorman.com

Dated: December 22, 2010

**CERTIFICATE OF SERVICE**

STATE OF MICHIGAN )  
 )ss  
COUNTY OF WAYNE )

I hereby certify that on the 22nd day of December, 2010, a copy of the foregoing Defendant Adil Shafi's Ex Parte Motion For Leave To File Brief In Response To Joint Motion For Summary Judgment In Excess of Twenty Pages and Memorandum of Law in Support was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

BERRY MOORMAN P.C.

By: s/James P. Murphy  
James P. Murphy (P36728)  
Attorneys for Defendant  
535 Griswold, Suite 1900  
Detroit, Michigan 48226  
(313) 496-1200  
murph@berrymoorman.com